



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,314	11/25/2003	Aaron Francis Snyder	ABUT-0002/B020110	7053
23361	7590	09/19/2007		
ABB INC. LEGAL DEPARTMENT-4U6 29801 EUCLID AVENUE WICKLIFFE, OH 44092			EXAMINER HAIDER, FAWAAD	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			09/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,314	SNYDER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fawaad Haider	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/8/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorak et al (7,092,929) in view of Huang et al (5,953,707).

Re Claim 1: Dvorak discloses receiving and entering a customer purchase order for a product (see Summary, Figures 3-4); scheduling said order and requesting materials to complete said order (see Figure 44, col.64, lines 38-41, col.70, lines 29-46); manufacturing and shipping said product to said customer facility (see Figure 23, col.18, lines 32-34, col.29, lines 40-44, col.34, lines 9-14); However, Dvorak fails to disclose monitoring the customer inventory relative to a threshold value. Huang discloses monitoring customer inventory by a vendor of said product to determine if said customer inventory is below a threshold value, and if said customer inventory is below said threshold value, sending a request to said customer facility for the issuance of a customer purchase order for additional units of said product to maintain said customer inventory above said threshold level (see col.14, lines 55-58, col.15, lines 34-37, col.58, lines 15-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dvorak with Huang's disclosure of a threshold value in order to

Art Unit: 3627

"maximize the equipment availability and minimize the repair costs (see col.14, lines 58-60)."

Re Claim 2: Dvorak discloses said scheduling said order and requesting materials to complete said order further comprising forecasting future needs on a per customer, per product basis (see Figures 1, 4-6, 30, 32, 44, Summary).

Re Claim 3: Dvorak discloses wherein said forecasting is performed using one of a time series analysis with moving averages, regression analysis, and lifecycle models (see Figures 1, 49, 54, col.4, lines 29-41, col.6, lines 25-40).

Re Claim 4: Dvorak discloses further comprising overriding said forecasting in accordance with known events (see col.26, lines 19-22).

Re Claim 5: Dvorak discloses wherein said forecasting is performed as collaborative forecasting, wherein collaborative forecasting comprises collecting and reconciling information from multiple sources inside and outside said vendor to derive a single unified statement of demand (see col.4, lines 29-41, ).

Re Claim 6: Dvorak discloses further comprising forecasting customer needs in accordance with historical data to determine a forecast and replenishing customer inventory using said forecast (see Figures 9A, 9B, 10A, 10C, 11, col.5, lines 57-60).

Re Claim 7: Dvorak discloses further comprising sending a request for said customer purchase order for additional units of said product in accordance with said forecast (see col.64, lines 26-29).

Re Claim 8: The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose wherein said

Art Unit: 3627

monitoring customer inventory is performed in accordance with customer testing, deployment and installation of units of said product after shipping said product to said customer facility. This practice is commonly done today as many companies keep track of inventories after they have actually utilized the item.

Re Claim 9: Dvorak discloses further comprising monitoring customer inventory via a WAN connection (see Figure 1, see col.4, lines 20-23).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hafner et al (5,893,076) discloses a supplier driven commerce transaction processing system and methodology. Eicher, Jr. et al (2002/0099598) discloses a performance-based supply chain management system and method with metalerting and hot spot identification. Helmolt et al (2003/0172007) discloses a supply chain fulfillment coordination. Markham et al (2003/0158795) discloses a quality management and intelligent manufacturing with labels and smart tags in event-based product manufacturing. Scheer (2002/0143669) discloses a method for managing inventory within an integrated supply chain. Bowman-Amuah (6,640,244) discloses a request batcher in a transaction services patterns environment. Nafeh et al (2002/0069155) discloses methods and apparatus for formulation, initial public or private offering, and secondary market trading of risk management contracts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fawaad Haider  
Examiner  
Art Unit 3627

FIH

  
F. RYAN ZEENDER  
PRIMARY EXAMINER